

Message Text

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TO AMEMBASSY MANAGUA

C O N F I D E N T I A L STATE 162646

E.O. 11652: GDS

TAGS: SHUM, NU

SUBJECT: DRAFT HUMAN RIGHTS EVALUATION REPORT ON
NICARAGUA

REF: STATE 140421

1. POST COMMENTS AND SUGGESTED CHANGES ARE SOLICITED O;
THE FOLLOWING DRAFT, WHICH IS ALSO BEING SUPPLIED FOR
COMMENT TO D/HA AND S/P, BUT WHICH IS NOT YET CLEARED BY
THOSE OFFICES. BEGIN TEXT:

A. CONDITION OF HUMAN RIGHTS IN NICARAGUA

NICARAGUA'S POLITICAL HISTORY HAS BEEN VIOLENT. POLITICAL
OPPOSITION IS TOLERATED, ONLY SO LONG AS VIOLENCE IS NOT
ADVOCATED OR EMPLOYED AGAINST THE GOVERNMENT. THE DEPART-
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MENT, CERTAIN INFLUENTIAL MEMBERS OF CONGRESS, AMNESTY
INTERNATIONAL, THE NICARAGUAN BISHOPS AND OTHERS AGREE
THAT THERE HAVE BEEN SERIOUS HUMAN RIGHTS VIOLATIONS
WITHIN THE COUNTRY. MOST VIOLATIONS OF THE INTEGRITY OF
THE PERSON SEEM TO HAVE OCCURRED PRIOR TO MID-1976. THE
SITUATION HAS IMPROVED SINCE THEN.

1. RESPECT FOR INTEGRITY OF THE PERSON

THERE IS SPORADIC GUERRILLA ACTIVITY IN A NORTHERN RURAL

AREA CARRIED OUT BY THE MARXIST-LENINIST FSLN GROUP ALSO KNOWN AS THE SANDINISTA MOVEMENT. ADDITIONALLY, THERE HAVE BEEN A FEW RECENT TERRORIST ACTS BY THIS GROUP IN URBAN AREAS.

THE NATIONAL GUARD HAS, AT TIMES, USED HARSHLY REPRESSIVE TACTICS IN SUPPRESSING THE FSLN. THERE WERE A VARIETY OF REPORTS OF TORTURE, RAPE, DEATH AND DISAPPEARANCES OF PEASANTS LAST YEAR AS A RESULT OF THE NATIONAL GUARD'S ACTIONS. OUR EMBASSY IS AWARE OF ONLY ONE SUCH SERIOUS CHARGE SINCE FEBRUARY OF THIS YEAR. SOME DETAINEES SUSPECTED OF FSLN TIES HAVE STATED THAT THEY WERE ABUSED OR MISTREATED. VERIFYING OR DETERMINING THE EXACT EXTENT OF THESE INCIDENTS IS DIFFICULT, SINCE THEY TEND TO OCCUR IN REMOTE, SPARSELY SETTLED AREAS WHERE ACCURATE INVESTIGATION IS VIRTUALLY IMPOSSIBLE.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A STATE OF SEIGE HAS BEEN IN FORCE SINCE DECEMBER, 1974, IMPOSING MARTIAL LAW AND PRESS CENSORSHIP ON THE COUNTRY. HOWEVER, LIFE, LIBERTY AND THE SECURITY OF PERSONS HAS GENERALLY BEEN OBSERVED IN AREAS OTHER THAN THOSE OF FSLN
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GUERRILLA ACTIVITY. LEGAL REMEDIES CONTINUE TO BE GENERALLY AVAILABLE IN REGULAR CRIMINAL AND CIVIL CASES WHERE OPEN COURT PROCEEDINGS ARE THE RULE. ACCESS TO MILITARY TRIBUNALS WHERE ALL SUSPECTED FSLN MEMBERS ARE TRIED HAS BEEN UNEVEN.

MOST OF THE SEVERAL THOUSAND PEOPLE DETAINED DURING THE PAST TWO YEARS AS A RESULT OF OPERATIONS AGAINST THE FSLN APPEAR TO HAVE BEEN HELD FOR RELATIVELY SHORT PERIODS OF TIME BEFORE BEING RELEASED. POLITICAL EXILES HAVE BEEN PERMITTED TO RETURN TO LIVE NORMAL LIVES, AND FREEDOM OF ASSOCIATION HAS BEEN GENERALLY RESPECTED. FREEDOM OF MOVEMENT WITHIN THE COUNTRY IS LARGELY UNRESTRICTED. HOWEVER, SOME PROMINENT OPPOSITION FIGURES HAVE OCCASIONALLY BEEN HARASSED OR RESTRICTED IN THEIR EFFORTS TO TRAVEL ABROAD. FOREIGN CLERGY WHO IN THE EYES OF THE GOVERNMENT HAVE BEEN A DISRUPTIVE INFLUENCE SOMETIMES FIND THEIR VISAS ARE NOT RENEWED.

THE ONLY TWO LEGAL PARTIES IN NICARAGUA ARE THE PLN (LIBERALS), THE DOMINANT SOMOZA-BACKED GROUP, AND THE PCN, THE OFFICIAL OPPOSITION CONSERVATIVE PARTY. WHILE THE PCN HAS BEEN FREE TO CARRY ON ITS BUSINESS, A COALITION OF DIVERSE OPPOSITION GROUPS KNOWN AS UDEL HAS MET WITH

SPORADIC LOW LEVEL HARASSMENT. TWENTY SEVEN MEMBERS OF UDEL HAD THEIR CIVIL RIGHTS SUSPENDED FOR SIX MONTHS IN

1974 FOR HAVING ADVOCATED ABSTENTION, WHICH IS CONTRARY TO NICARAGUAN LAW, IN THAT YEARS ELECTION.

3. GOVERNMENT POLITICS RE BASIC NEEDS OF POPULATION

DEVELOPMENT PROJECTS AIMED AT THE RURAL POOR ARE CURRENTLY UNDERWAY TO IMPROVE AGRICULTURAL PRODUCTION, HEALTH CARE, NUTRITION, FAMILY PLANNING, EDUCATION AND RURAL MUNICIPAL DEVELOPMENT. THE GON CONTRIBUTES BETWEEN 40-60 PERCENT OF
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THE TOTAL PROJECT COSTS ON A.I.D. - SUPPORTED PROJECTS FOR THE RURAL POOR. BETWEEN 1973 AND 1976 THE GOVERNMENT'S NATIONAL BUDGET ALLOCATIONS HAVE INCREASED 55 PERCENT FOR HEALTH CARE, 153 PERCENT FOR AGRICULTURAL PROJECTS AND 95 PERCENT FOR EDUCATION. THERE HAVE BEEN PERSISTANT RUMORS AND CHARGES OF WIDESPREAD CORRUPTION INVOLVING SUCH PROJECTS. HOWEVER, TWELVE SEPARATE GAO INVESTIGATIONS SINCE 1973 HAVE FAILED TO SUBSTANTIATE CORRUPTION IN A.I.D. PROJECTS. THE IMPRESSION IS PREVENTED, HOWEVER, THAT THERE IS CONSIDERABLE GENERAL GOVERNMENTAL CORRUPTION; WHETHER THIS IS OF A GREATER OR LESSER MAGNITUDE THAN THAT EXPERIENCED ELSEWHERE IN THE REGION IS OPEN TO SPECULATION.

4. GOVERNMENT'S RESPONSIBILITY FOR AND JUSTIFICATION OF HUMAN RIGHTS RECORD

THE GOVERNMENT OF NICARAGUA MAINTAINS THAT THE IMPOSITION OF BOTH THE STATE OF SEIGE AND PRESS CENSORSHIP ARE NECESSARY ACTIONS TO MAINTAIN INTERNAL CONTROL AND ASSIST IN COMBATING THE MARXIST-LENINIST FSLN GUERRILLA MOVEMENT'S ATTEMPT TO OVERTHROW THE GOVERNMENT AND THAT THE FREQUENCY OF NATIONAL GUARD ABUSES HAS BEEN GREATLY EXAGGERATED BY THEIR DIVERSE OPPOSITION. WHILE THE STATE OF SEIGE AND CENSORSHIP ACTIONS CLEARLY REFLECT GOVERNMENT POLICY, THE EXCESSES OF THE NATIONAL GUARD ARE LESS CLEARLY ATTRIBUTABLE TO DEFINED POLICY.

RESPONDING TO CRITICISM FROM THE U.S. AND ELSEWHERE, THE NICARAGUAN CONGRESS ESTABLISHED A BIPARTISAN COMMISSION IN FEBRUARY TO INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS IN THE TREATMENT OF SUSPECTED FSLN DETAINEES. EMBASSY SUGGESTIONS THAT THE GOVERNMENT INVITE THE
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CHURCH TO ASSIST IN SUCH AN INVESTIGATION MET WITH THE RESPONSE THAT THE CHURCH WAS UNLIKELY TO BE HELPFUL IN SUCH AN EFFORT.

DURING THE PAST YEAR AND PARTICULARLY DURING THE PAST FEW MONTHS, THERE HAVE BEEN SIGNS OF IMPROVEMENT IN THE HUMAN RIGHTS PICTURE. THE NUMBER OF REPORTS OF KILLINGS AND OTHER ABUSES BY THE NATIONAL GUARD HAS SHARPLY DIMINISHED. DETAINEES ARE BEING ALLOWED VISITS BY FAMILY MEMBERS AND CHURCH/STATE RELATIONS, PREVIOUSLY SOMEWHAT STRAINED, HAVE IMPROVED.

PRESIDENT SOMOZA IS REPORTED TO HAVE INSTRUCTED HIS MILITARY COMMANDERS ON AT LEAST THREE OCCASIONS, ONE OF WHICH WAS IN EARLY JULY AFTER THE U.S. HOUSE OF REPRESENTATIVES' ACTION RESTORED AND APPROPRIATION FOR SECURITY ASSISTANCE FOR NICARAGUA, TO EXERCISE GREATER RESTRAINT AND CARE IN SUPPRESSING THE FSLN IN AN EFFORT TO AVOID INVOLVING INNOCENT PEASANTS. HE REPORTEDLY PROMOTED THE OFFICER IN CHARGE OF THE INSURGENCY AREA DURING THE PAST YEAR WHO MARKEDLY REDUCED NATIONAL GUARD ABUSES, SUPPOSEDLY TO SHOW THAT COMPLIANCE WITH HIS ORDER WOULD BE REWARDED. THERE IS ALSO A REPORT THAT THE GON IS CONSIDERING LIFTING THE STATE OF SEIGE WHEN THE TRIALS OF SUSPECTED FSLN MEMBERS HAVE CONCLUDED.

B. ANALYSIS AND RECOMMENDATIONS

1. OUR OBJECTIVES:

A. FURTHER DIMUNITION (IDEALLY CESSATION) OF INCIDENTS INVOLVING VIOLATIONS OF THE INTEGRITY OF THE PERSON BY THE NICARAGUAN NATIONAL GUARD.

B. THE LIFTING OF THE STATE OF SEIGE AND RESTORATION OF NORMAL CONSTITUTIONAL GUARANTEES FOR ALL.

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